IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

Crl.Rev.Pet.No. 2384 of 2007()

CRL.M.P. 589/2007 C.C.48/2006 OF THE JFCM- I,PUNALUR

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REVN. PETITIONER: APPELLANT/ACCUSED

JAYASREE, MEENAKSHI NIVAS,
THOLIKODU, PUNALUR, PATHANAPURAM TALUK.

BY ADV. SRI.PRAKASH P.GEORGE
SRI.B.PREMNATH

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. SHEELA KUMARI, GANGA BHAVAN,
ERAM, THADIKADU P.O., PATHANAPURAM TALUK.

R1 BY P.P. SRI C.M. KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl. R.P. No.2384 of 2007

Dated 15th June, 2007

ORDER

Revision petitioner is the accused in C.C No. 48/2006 with respect to the offence under section 138 N.I Act. Revision petitioner has challenged the order in CMP 589/2007 in which the court below declined his prayer to forward the impugned cheque for the examination of the handwriting expert.

2. I find that the reasons mentioned are that the application was filed quite belatedly and that the admitted signature has been produced and the petitioner bank manager has admitted the genuineness of the same and that I find that the revision petition has been filed only to protract the matter.

3. I find that it is for the court below to consider and decide whether the cheque has to be forwarded to the hand writing expert in the circumstances of the particular case. As stipulated in section 143(3) of the Act , the proceedings are to be concluded within six

months from the date of filing of the complaint. The court below is directed to note the grievance of the revision petitioner that it has prejudged the matter. The court below is directed to dispose of the matter on merits untrammelled by the observations contained in the order in Crl.M.P.589/2007. The Crl.R.P. is dismissed in limine.

K.R.UDAYABHANU,
JUDGE.

Kvm/-